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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,221	04/02/2004	Renzo Moschini	TOR0104	2430
832	7590	07/17/2006	EXAMINER	
BAKER & DANIELS LLP 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			MILLER, CARL STUART	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/817,221

Applicant(s)

MOSCHINI ET AL.

Examiner

Carl S. Miller

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/04</u> . | 6) <input type="checkbox"/> Other: ____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 8 –9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholmuss (DE('195)) in view of Klotz and Begley.

Bartholmuss teaches an intake and fuel rail combination made in to a single metal structure and the material used is aluminum.

Klotz teaches a similar two-piece intake and fuel rail combination that is structured with a flange as claimed by the applicant and includes mounting screws located as claimed. In Klotz it is noted that prior art devices have been made as one-piece structures and constructed of aluminum.

In both Klotz and Bartholmuss the mating surfaces would have been necessarily of small surface roughness in order to keep the seams with the head and intake manifold from leaking.

Buckley ('856) teaches that it was known in the art to fashion precision parts for vehicles by using thixotropic aluminum in a pressure die casting process.

It would have been obvious to modify Bartholmuss by constructing the flange as taught by Klotz because this orientation would have been equally supportive of the required structure and he the flange arrangement of Bartholmuss is not shown and to have constructed the one-piece structure as taught by Buckley since the Buckley process was disclosed as useful in a vehicle environment.

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Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholmuss, Buckley and Klotz as applied to claim 2 above, and further in view of Smith.

Smith teaches the use of ribs located between individual intakes and a fuel rail in a single-piece structure containing these two elements.

Since the supports in this plane of the Bartholmuss structure are not shown, it would have been obvious to use ribs for the needed support between the rail and the intakes and/or surfaces used to mount the rail (such as the raised surfaces taught by Klotz).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholmuss, Klotz and Buckley as applied to claim 9 above, and further in view of Brosseau.

Brosseau teaches the use of a pressure sensor and a pressure regulator on a common rail and these devices are attached to the rail by being located within openings in the rail.

Since the rail /intake combination of Bartholmuss used electronically controlled injectors and such systems commonly used both regulators and rail pressure sensors for feedback control, it would have been obvious to use these controls on the rail of Bartholmuss.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl S. Miller whose telephone number is 571-272-4849. The examiner can normally be reached on MTWTHF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Cronin, can be reached on 571-272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Carl S. Miller
Primary Examiner